

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Proposing rule making related to public water supply systems and wastewater treatment systems operator certification and providing an opportunity for public comment

The Environmental Protection Commission (Commission) hereby proposes to amend Chapter 81, “Operator Certification: Public Water Supply Systems and Wastewater Treatment Systems,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 455B.222.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455B.212, 455B.213, 455B.222 and 455B.223.

Purpose and Summary

Chapter 81 provides for the certification of public water supply and wastewater treatment system operators. The chapter sets forth certification grades, eligibility requirements, and examination and continuing education requirements, among other performance standards. These proposed amendments add a new classification grade that will benefit very small communities. These proposed amendments also simplify and refine the rules by clarifying definitions, better specifying certain operator requirements, and removing references to an obsolete classification grade.

More specifically, these amendments propose the following changes:

- Items 1 and 2 add a new definition for “advanced aerated lagoon system,” revise some existing definitions for clarity, and add a “W” and remove “IIL” from the definition of “grade.”
- Item 3 amends the Wastewater Treatment Plant Classifications table to add a new Grade W for onsite treatment systems, add a new advanced aerated lagoon system treatment type, and remove obsolete Grade IIL. These amendments will ensure that the operator certification grade for smaller facilities and for facilities designed with new technologies can be properly determined using this table.
- Item 4 amends the Water Distribution System Classification table to clarify the certified operator requirements for transient noncommunity water systems not classified as Grade A. These requirements are currently implied in Chapter 81, but are not clearly specified.
- Item 5 amends the Operator Education and Experience Qualifications table to add eligibility requirements for the new Grade W and remove the reference to obsolete Grade 2 Lagoon Classification (IIL).
- Items 6 and 7 similarly remove references to obsolete Grade IIL.

Fiscal Impact

No fiscal impact is expected from this rule making to either the State of Iowa or to the private sector. A copy of the fiscal impact statement is available from the Department of Natural Resource (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 13, 2021. Comments should be directed to:

Laurie Sharp
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Email: laurie.sharp@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally will be held via conference call as follows. Persons who wish to attend the conference call should contact Laurie Sharp via email. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Laurie Sharp prior to the hearing to facilitate an orderly hearing.

December 8, 2021
1 p.m.

Video/conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definition of “Advanced aerated lagoon system” in rule **567—81.1(455B)**:

“*Advanced aerated lagoon system*” means an aerated lagoon system that has been augmented by adding other treatment processes. Examples include, but are not limited to, covered lagoon systems with enhanced aeration and mixing, the addition of fixed film processes to the lagoon process, or the utilization of algal-based treatment processes.

ITEM 2. Amend rule **567—81.1(455B)**, definitions of “Activated sludge,” “Aeration,” “Fixed film biological treatment” and “Grade,” as follows:

“*Activated sludge system*” means a biological wastewater treatment process in which a mixture of wastewater and sludge floc, produced in a raw or settled wastewater by the growth of microorganisms,

is agitated and aerated in the presence of a sufficient concentration of dissolved oxygen, followed by sedimentation. Examples include, but are not limited to, conventional activated sludge systems, extended aeration activated sludge systems, oxidation ditches, and sequencing batch reactors.

“*Aeration*” means the process of initiating contact between air and water. ~~This definition includes~~ Examples include, but is are not limited to O_2 spraying the water in the air, bubbling air through the water, or forcing the air into the water by pressure.

“*Fixed film biological treatment*” means a treatment process in which wastewater is passed over a media onto which are attached biological organisms capable of oxidizing the organic matter, normally followed by sedimentation. ~~This definition includes~~ Examples include, but is are not limited to O_2 trickling filters, rotating biological contactors, packed towers and activated filters.

“*Grade*” means one of seven certification levels, designated as A, W, I, IL, II, ~~III~~, III, or IV.

ITEM 3. Amend rule 567—81.3(455B) as follows:

567—81.3(455B) Wastewater treatment plant grades.

81.3(1) Classifications. The wastewater treatment plant classifications are listed in the following table:

Wastewater Treatment Plant Classifications

Treatment Type	Grade				
	Based on Design Pounds of BOD ₅ /day				
	less than 334	334-835	836-2,505	2,506-8,350	more than 8,350
	Based on Design Population Equivalent				
	less than 2,000	2,000-5,000	5,001-15,000	15,001-50,000	more than 50,000
1. Primary Treatment <u>Onsite Treatment System</u>	I <u>W</u>	I Not Applicable	II Not Applicable	III Not Applicable	IV Not Applicable
2. Waste Stabilization Lagoon System	IL	IL	IL	IL	IL
3. Aerated Lagoon System	IL	IL	III <u>I</u>	III <u>I</u>	III <u>I</u>
4. Advanced Aerated Lagoon System	<u>II</u>	<u>II</u>	<u>II</u>	<u>II</u>	<u>II</u>
4. <u>5. Fixed Film Biological Treatment System</u>	II	II	III	III	IV
5. <u>6. Activated Sludge System</u>	II	III	III	IV	IV

81.3(2) ~~Unknown design BOD₅ loading~~ BOD₅ loading. When the design BOD₅ loading is unknown, the plant BOD₅ loading shall be determined by using the average pounds of BOD₅ of the 24-hour composite influent samples taken in the last 12 months. ~~If no 24-hour composite~~ influent ~~samples were taken~~ are not available, then grab samples shall be used.

81.3(3) ~~IL and III~~ wastewater operator requirements. A Grade I, II, III, or IV wastewater treatment certificate will satisfy the certification requirements for a Grade IL plant. ~~A Grade II, III, or IV wastewater treatment certificate will satisfy the certification requirements for a Grade III plant.~~

81.3(4) *Grade W onsite wastewater classification.* Any wastewater treatment plant that discharges to a water of the state and that utilizes onsite wastewater treatment technologies, such as those specified in 567—Chapter 69, but excluding waste stabilization ponds, shall be classified as an onsite treatment system (Grade W).

ITEM 4. Amend subrule 81.5(1) as follows:

81.5(1) Classifications. The water distribution plant classifications are listed in the following table:

Water Distribution System Classifications*

System Type	Grade**			
	Average Daily Pumpage in MGD			
	0-0.1	>0.1-1.5	>1.5-5	>5
All municipal water systems	I	II	III	IV
Community water systems not classified as a Grade A water system	I	II	III	IV
Nontransient noncommunity water systems not classified as a Grade A water system	I	II	III	IV
<u>Transient noncommunity water systems not classified as a Grade A water system</u>	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>
Rural water districts	Miles of Pipe			
	0-100	>100-1,000	>1,000-2,500	>2,500
	II	II	III	IV

*Note: A public water system with a well, storage, and a distribution system shall be classified as a water distribution system if no treatment is provided.

**For Grade A water system classification, see subrule 81.6(1).

ITEM 5. Amend subrule 81.7(1) as follows:

81.7(1) *Education and experience requirements.* All applicants shall meet the education and experience requirements for the grade of certificate shown in the table below prior to being allowed to take the examination. Experience shall be in the same classification for which the applicant is applying except that partial credit may be given in accordance with subrules 81.7(2) and 81.7(3). Directly related post-high school education shall be in the same subject matter as the classification in which the applicant is applying. The director will determine which courses qualify as “directly related” in cases which are not clearly defined. A military service applicant may apply for credit for verified military education, training, or service toward any education or experience requirement for certification, pursuant to subrule 81.7(4).

Operator Education and Experience Qualifications

Grade	Education	Substitution for Education	Experience	Substitution for Experience
A	High school diploma or GED	None	Completion of an IDNR-approved training course	None
<u>W</u>	<u>High school diploma or GED</u>	<u>None</u>	<u>Completion of an IDNR-approved training course</u>	<u>None</u>
I	High school diploma or GED	None	1 year	See 81.7(3) "b"(1), (3) to (5)
IL	High school diploma or GED	None	1 year	See 81.7(3) "b"(1), (3) to (5)
II	High school diploma or GED	None	3 years	See 81.7(3) "b"(2) to (5)
III	High school diploma or GED	None	3 years	See 81.7(3) "b"(2) to (5)
III	High school diploma or GED and 2 years of post-high school education (1 year must be directly related)	See 81.7(3) "a" (1), (3)	4 years of experience in a Grade I or higher	See 81.7(3) "b"(2), (3)
IV	High school diploma or GED and 4 years of post-high school education (2 years must be directly related)	See 81.7(3) "a" (2), (3)	4 years of experience including 2 years of DRC in a Grade III or higher	See 81.7(3) "b"(2), (3) and 81.7(3) "c"

ITEM 6. Amend subparagraph **81.7(3)“b”(2)** as follows:

(2) Thirty semester hours or 45 quarter hours or 45 CEUs of post-high school education may be substituted for one year of experience up to a maximum of one-half the experience requirement for Grades II, ~~III~~, III and IV.

ITEM 7. Amend subrule 81.16(1) as follows:

81.16(1) Affidavit allowance. The owner of a plant or distribution system that is required to have a Grade A, I, IL, or II, ~~III~~ certified operator may sign an affidavit with a certified operator of the required classification and grade.